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DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

S/C15/0099
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August 5, 2009

Kyle Kimmerle
Kimmerle Mining LLC
2056 Plateau Drive
Moab, Utah 84532

Subject: Deficient Notice of Intention to Commence Small Mining Operations, Kimmerle Mining LLC, Four Corners #2, S/015/0099, Emery County, Utah

Dear Mr. Kimmerle:

The referenced Notice of Intent to Commence Small Mining Operations (NOI), received by the Division on January 15, 2009, is incomplete. I apologize for the delay in sending this review. The following information is required:

1. In Section I items 5 and 6, please list the name and address of the BLM office responsible for the area you propose to mine.
2. The legal description shown in Section II item 1 is confusing. Please individually list the quarter quarter or quarter quarter quarter sections in which the mine disturbed area will be located. It is impossible to make this determination from the map provided.
3. Please remove the request for a variance from salvaging soil in Section V. The Division does not believe such a variance is needed or justified. Rule R647-3-107.5 has the following requirement: "Suitable soil material shall be removed and stored in a stable condition where practical so as to be available for reclamation." Based on a site visit on July 7, 2009, there are soils in the area that support vegetation. These need to be stockpiled for use in reclamation. In those areas where suitable soils are not available for salvage, the rules do not require that you save soil.
4. Please also remove the request for a variance from preparing the seedbed and seeding. The area does support native vegetation, and the disturbed area needs to be seeded. Rules R647-3-109.13.11 and -12 require that the vegetation achieve 70 percent of the premining vegetative ground cover or that you establish vegetation within practical limits.



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5. Please include a radiation survey showing gamma radiation levels in the disturbed area. This should be done with an unshielded Ludlum micro R or similar meter at about three feet above the ground. The results of the survey must be submitted to the Division before mining. At time of reclamation, the site must be reclaimed site such that radiation levels do not exceed the pre-mining levels.

Please provide your response as replacement pages to your original NOI, using Form MR-REV-SMO/EXP, available on the Division's web site at: www.ogm.utah.gov

A reclamation surety and a reclamation contract is required of all mining operations. The amount required is \$13,700.00 for a three-year escalation (bond amount adjusted in 2012) or \$14,000.00 for a five-year escalation (bond adjusted in 2014). This is based on the following average costs:

Project Size (Acres)	Surety
	3 & 5 year escalation
1 or less acres	\$7,400 (3-year escalation)
	\$7,600 (5-year escalation)
Additional acres up to 5 acres	\$4,300/ acre (3-year escalation)
	\$4,400/acre (5-year escalation)
Portal	\$2,000 each opening

Please contact Penny Berry, Bonding Coordinator, to complete the reclamation surety and reclamation contract requirements. She can be reached at 801-538-5291 or by e mail at bondcoordinator@utah.gov.

If you have any questions regarding this letter, please call me at (801) 538-5261 or Wayne Western at (801) 538-5263. In reply, please refer to file number S/015/0099. Thank you for your cooperation.

Sincerely,



Paul B. Baker
Minerals Program Manager